UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1024

JULIUS TATE,

Plaintiff – Appellant,

v.

TERESA FRANKLIN, Nurse; DR. STRICKLAND; LT. TURNER; CORPORAL SMITH; MAJOR DUNNIGAN; ORANGE COUNTY JAIL MEDICAL DEPARTMENT,

Defendants – Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cv-00230-NCT-PTS)

Submitted: April 28, 2011 Decided: May 3, 2011

Before DAVIS, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Julius Tate, Appellant Pro Se. Robert T. Numbers, II, WOMBLE CARLYLE SANDRIDGE & RICE, PLLC, Winston-Salem, North Carolina; Charles Houston Foppiano, BATTEN LEE, PLLC, Cary, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Julius Tate seeks to appeal the district court's order adopting the magistrate judge's report and recommendation and dismissing several of the Defendants from his 42 U.S.C. § 1983 (2006) action. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Tate seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED